# THE HONOUABLE SRI JUSTICE V.ESWARAIAH

**W.P. No. 18584 of 2006**

**Date:19-06-2007**

Between:

Y.V.S. Sudhakar Rayudu .. **PETITIONER**

AND

The Commissioner of Police, Ranga Reddy and another .. **RESPONDENTS**

**ORDER**:

The petitioner seeks a writ of mandamus to declare the action of the respondents in opening the rowdy sheet against the petitioner and continuing the same, as illegal and arbitrary.

The case of the petitioner is that there were series of disputes between himself and his wife during the period of 1988-99 and in that regard number of criminal cases have been registered and all the cases were ended in acquittal and in spite of acquittal of the cases, the rowdy sheet was opened against the petitioner and is being continued.

The undisputed facts are that the rowdy sheet was opened against the petitioner in the year 2000 as he was involved in five cases viz. Crime No.75 of 1999 under Sections 364, 365, 386, 392, 343 r/w 120-B IPC of Jubilee Hills Police Station and the case was ended in acquittal on 24.07.2006, Crime No.324 of 1999 under Sections 364(A), 365, 506 r/w 120-B IPC of Panjagutta Police Station and the case was ended in acquittal on 19.06.2006, Crime No.551 of 1988 under Section 365 IPC of Panjagutta Police Station and the case was ended in acquittal on 23.09.2000, Crime NO.54 of 1999 under Sections 365 and 386 IPC of Saroornagar Police Station and the case was ended in acquittal on 11.11.2005 and Crime No.73 of 1998 under Sections 448, 323, and 506 I.P.C. of Raidurgam Police Station and the case was ended in acquittal on 11.04.2000. All the five cases were registered and pending in the year 2000, a rowdy sheet was opened on 08.04.2000 against the petitioner on the instructions of the Sub-Divisional Police Officer, Balanagar Division by the Inspector of Police, Kukatpally. The rowdy sheet was also transferred to the Station House Officer, Rayadurgam Police Station on the point of jurisdiction and the same was being renewed from time to time.

It is also not in dispute that no case is pending against the petitioner as on today and all the cases were ended in acquittal.

Learned counsel appearing for the petitioner submits that the petitioner cannot be classified as a rowdy as he is not an habitual offender and as all the cases filed against the petitioner were ended in acquittal and no case is pending against the petitioner. It is further stated that the petitioner was not bound over under Sections 106, 107, 108© and 110(1) of the Code of Criminal Procedure and therefore, the petitioner cannot be classified as rowdy sheeter. It is stated that under Order No.601 of A.P. Police Manual, Part-I, Volume-II, the definition of 'Rowdies' is given, which is extracted below:

**"ROWDIES:**

***601.*** *The following persons may be classified as rowdies and Rowdy Sheets (Form 80) may be opened for them under the orders of the SP/DCP andACP/SDPO.*

*A. Persons who habitually commit, attempt to commit or abet the commission of, offences involving a breach of the peace, disturbance to public order and security.*

*B. Persons bound over under Sections 106, 107, 108(1)(i) and 110(e) and (g) of Cr.P.C.*

*C. Persons who have been convicted more than once in two consecutive years under sections 59 and 70 of the Hyderabad City Police Act or under section 3, clause 12, o of the AP Towns Nuisances Act.*

*D. Persons who habitually tease women and girls and pass indecent remarks.*

*E. Rowdy sheets for the rowdies residing in one Police Station area but found frequenting the other PSs area, can be maintained at all such Police Stations.*

*F. Persons who intimidate by threats or use of physical violence or other unlawful means to part with movable or immovable properties or in the habit of collecting money by extortion form shopkeepers, traders and other residents.*

*G. Persons who incite and instigate communal/caste or political riots.*

*H. Persons detained under the "AP Prevention of*

*Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land-Grabbers Act, 1986" for a period of 6 months or more."*

Merely because a suspect/rowdy, having a history sheet, is not figuring as accused in the previous 5 years after the last case in which he was involved, it should not preclude the competent authority to continue his history sheet if the competent authority is of the considered view that his activities are prejudicial to the maintenance of public order or one affecting peace and tranquility in the area or the victims are not coming forward to give complaint against him on account of threat from him.

In the instant case, the concerned Deputy Commissioner of Police or the Superintendent of Police has recorded no reasons in continuing the rowdy sheet against the petitioner. Admittedly, the petitioner is not at all figuring as an accused in any case as on today. That being so, in the absence of recording any reasons about the activities of the petitioner as to whether his activities are prejudicial to the maintainability of public order or affecting peace and tranquility in the area. Continuation of the rowdy sheet against the petitioner is illegal and contrary to the Order No.602 of the A.P. Police Manual, Part-I, Volume-II and also violation of Article 21 of the Constitution of India. Therefore, I am of the opinion that the rowdy sheet opened against the petitioner cannot be continued.

Accordingly, the writ petition is allowed. No costs.

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**V.ESWARAIAH, J.**

Date:19.06.2007
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